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SUBJECT: TIP - LIECHTENSTEIN: ANNUAL ANTI-TRAFFICKING IN PERSONS REPORT

REF: A) 08 STATE 132759, B) STATE 5577

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II. THE COUNTRY'S TIP SITUATION

(U) A.-B. Liechtenstein is neither a source nor a transit country for trafficking in Persons. Nevertheless the socio-economic situation of Liechtenstein makes it a potential destination country for the organized trafficking in human beings. No cases of trafficking have been detected in Liechtenstein so far. The Liechtenstein authorities are however aware of the potential problem and have taken steps to mitigate the risk.

(U) C. N/A

(U) D. The most vulnerable groups are the temporarily employed dancers in bars and clubs. They reside in Liechtenstein for a maximum of six months within a calendar year on the basis of a special short-stay permit. The government has issued a directive on the admission of foreign nightclub dancers, which contains detailed rules and requirements intended to protect the dancers. For instance, the dancers must receive appropriate accommodation and be paid at least the minimum salary applicable to the hotel and restaurant industry; in addition, they must have health and accident insurance, and take part in a project entitled, "AIDS Prevention in the Sex Industry (APIS)". As a further protective measure, such work permits are only granted if foreign dancers requiring a visa were employed in Switzerland immediately prior to the beginning of their employment in Liechtenstein. The directive also specifies a quota for the employment of dancers: Each month, a nightclub may employ a maximum of five dancers. The National Police and the Immigration and Passport Office regularly carry out inspections in the red-light milieu and verify the residence status, employment conditions, salary payments and lodging of the women.

(U) E. N/A.

II. SETTING THE SCENE FOR GOVERNMENT'S ANTI-TIP EFFORTS

(U) A. See I. A-B. (above)

(U) B. There are several government agencies, all of them represented in the Liechtenstein Round Table, which are involved in anti-trafficking efforts: the National Police, Office of Migration, and Office of the Attorney General, the Office of Social Affairs, the Office of Economic Affairs, the Victims Assistance Center, the Office of Sexual Health Counseling, and the Office of Foreign Affairs. The Head of the anti-crime division of the police chairs the Round Table, and therefore has the lead in Liechtenstein's anti-trafficking efforts.

(U) C.-D. Given the absence of known trafficking victims, the government does not currently assess a need for extra anti-trafficking efforts.

III. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

(U) A. Since March 2008, Liechtenstein has been a State party to the Convention against Transnational Organized Crime (Palermo Convention) and its protocols against the smuggling of migrants and to prevent, suppress and punish trafficking in persons, especially women and children. The new definition of trafficking in persons in the Liechtenstein Criminal Code (Section 104a StGB) is in conformity with the definition in the protocol. Section 104a (Trafficking in Human Beings) of the Liechtenstein Penal Code makes the recruitment, harbouring, receipt, transportation, transfer or offering of a person for the purpose of exploitation subject to criminal punishment. Exploitation includes sexual exploitation,

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exploitation by illegal removal of organs, and forced labour. According to Section 54 of the Liechtenstein Penal Code, Section 104a applies to offenses committed in other countries irrespective of the penal laws of the State where the offenses were committed.

(U) In the Liechtenstein penal code, there are further provisions that may be considered as closely related to trafficking in human beings. These are Sections 210 (Offering for Prostitution), 217 (Cross-Border Trade for the Purpose of Prostitution), 215 (Promotion of Prostitution) and 216 (Procuring for Prostitution). In addition, there are penalties under Sections 200-218 of the penal code for punishable actions with regard to sexual self-determination and other sexually related offences. Other offenses that can be linked to trafficking in human beings and that are addressed by the penal code are: Sections 104 (Slave Trade), 83 (Criminal Assault), 107 (Threats to Life and Limb), 105 (Coercion), 106 (Serious Coercion), 99 (Deprivation of Liberty), and 100 (Abduction of a Vulnerable or Defenseless Person), and 278a (Criminal Organization).

(U) B.-C. Trafficking in persons is punishable by a prison sentence of up to three years, or up to five years if the trafficker used or threatened to use violence. If the victim is a minor or the trafficker belongs to a criminal organization, uses excessive violence, or jeopardizes the life of the victim, the sentence may be up to 10 years. There were no arrests or prosecutions for trafficking offences during the year.

(U) D. Rape, including rape in marriage and partnership, is a criminal offence, and the government effectively prosecuted those accused of such crimes. Rape in marriage and partnership has the same penalties as rape in general. The sentence may be reduced if the victim decides to remain with the abusive spouse. Sections 200 and 201 of the Liechtenstein Penal Code prescribe prison sentences up to 20 years for rape and up to 10 years for forcible sexual assault.

(U) E. No cases of trafficking or forced prostitution have been

detected in Liechtenstein.

(U) F. The government does not provide any specialized training for government officials.

(SBU) G. In 2008, the Criminal Police provided assistance in response to two international inquiries of Interpol concerning human trafficking. In another case, which was related to human trafficking, the Criminal Police assisted the Swiss authorities.

(U) H.-J.-I. N/A

(U) K. Prostitution is illegal; however, police tolerate it in the country's few nightclubs, as long as it does not cause public offense.

(U) L. N/A

(U) M. There have not been any prosecutions and/or convictions relating to child sex tourism.

IV. PROTECTION AND ASSISTANCE TO VICTIMS

(U) A.-B.-C.-D.-E.-F. Liechtenstein government agencies and NGOs formed a Round Table on Human Trafficking in 2006. In 2007, the Round Table prepared guidelines for the handling of potential cases of trafficking in human beings in Liechtenstein. The guidelines were adopted by the government in July 2007 and provide a reflection period of 30 days for victims. If the victim or the witness decides to cooperate with the authorities, a limited residence permit is granted for the time of the investigations and court procedures (Article 16b of the Ordinance concerning the Admission and the Residence of Foreigners). After completion of the investigations and court procedures, the victim is to be assisted in returning to her/his home country. In severe cases of hardship, a special short-stay or long-term permit may be granted (Article 15 of the Ordinance concerning the Admission and the Residence of Foreigners). Further assistance to victims is provided under the Victims Assistance Act.

(U) The Victims Assistance Act (VAA) entered into force on

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April 1, 2008. The VAA provides for counseling and financial assistance for victims and their families. A Victims Assistance Unit has been established. Its goal is to provide the necessary assistance in individual cases with respect to medical, psychological, social, material, and legal needs or, if it cannot provide such assistance itself, to find appropriate providers. Concepts are being developed for the practical implementation of counseling services, which will take into account the needs of victims of criminal offences. In the area of financial assistance, both comprehensive legal aid and rights of compensation are provided for.

(U) On January 1, 2005, a partial revision of the Code of Criminal Procedure entered into force. The goal of this legislative amendment was to improve the legal standing and protection of victims in criminal proceedings, in particular, young victims and victims of sexual offenses.

(U) G.-M. N/A

IV. PREVENTION

(U) A. The Liechtenstein Round Table on Human Trafficking was established to improve cooperation among law enforcement authorities, migration authorities, and the Victims Assistance Unit. Its aim is to develop a common understanding of the phenomenon and to identify the responsibilities of the different authorities. The Round Table has developed a prevention project known as "Magdalena" to provide the dancers in the seven nightclubs in Liechtenstein with information on their legal situation with respect to labor, residence,

social, and health rights. The dancers will be required to participate in an information session offered once a month. At these events, the dancers will have the opportunity to meet with competent officials and representatives of care institutions. The aim of the Magdalena project is to reduce the risk of exploitative working and living conditions for foreign dancers working in Liechtenstein, and to increase the chances of uncovering potential cases of human trafficking. The project will start in spring 2009.

(U) During the 2008 European Football Championship, Liechtenstein joined Switzerland and Austria in supporting a NGO-led public awareness campaign against trafficking in women and forced prostitution. The campaign was to raise awareness among the visitors to the tournament and the public of the extent and the consequences of trafficking in persons.

(U) Liechtenstein is engaged in combating trafficking in women and violence against women internationally. It supported the project of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in 2002 on preventing violence against women in the Caucasus. In 2004, Liechtenstein made a contribution to the OSCE pilot program on combating human trafficking in Ukraine. In 2005, it supported the OSCE project on combating violence against women for the purpose of preventing trafficking in women in Moldova. In 2006, it supported the Council of Europe project on combating human trafficking in Georgia. In 2007 Liechtenstein supported the OSCE project on preventing human trafficking and the sexual abuse of minors in tourism. In 2008, Liechtenstein made a further contribution to a project of the OSCE and of the Council of Europe on preventing and combating trafficking.

(U) B. N/A

(U) C.-D. See A. (above)

(U) E. N/A

(U) F. During the reporting period the government has not taken any special measures to counter the possible participation in international child sex tourism by nationals of the country.

(U) G. N/A

CARTER